

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
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FM AMEMBASSY MOSCOW  
TO SECSTATE WASHDC 7946  
INFO AMEMBASSY BELGRADE  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY BUCHAREST  
AMEMBASSY BUDAPEST  
AMEMBASSY LONDON  
AMCONSUL MUNICH  
AMCONSUL LENINGRAD  
USMISSION NATO  
AMEMBASSY PARIS  
AMEMBASSY PRAGUE  
AMEMBASSY SOFIA  
AMEMBASSY WARSAW  
USMISSION USUN

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E.O. 11652: GDS  
TAGS: PFOR, PINT, PGOV, CSCE, SHUM, UR, US  
SUBJECT: LEONID THE LAW GIVER

REF: (A) MOSCOW 7371, (B) MOSCOW 7373, (C) MOSCOW 7374

SUMMARY: BEGIN LIMITED OFFICIAL USE. WHILE THE TEXT OF THE SPEECH DELIVERED BY BREZHNEV AT THE MAY 24 PLENUM HAS NOT BEEN PUBLISHED, THE OFFICIAL PLENUM COMMUNIQUE PROVIDES HIGHLIGHTS OF HIS DISCUSSION ON A NEW DRAFT SOVIET CONSTITUTION. THE LEADING ARTICLES IN MAY 26 PRAVDA AND

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IZVESTIYA GIVE A FEW ADDITIONAL DETAILS ABOUT THE SPEECH AND THE CONSTITUTION. BREZHNEV ADDRESSED THREE MAIN TOPICS: WHY THE USSR NEEDS A NEW CONSTITUTION; WHAT THE NEW DOCUMENT IS INTENDED TO ACHIEVE; AND WHAT GENERAL EFFECTS IT WILL HAVE DOMESTICALLY AND EXTERNALLY. APART FROM THE OBVIOUS INTENT TO ADOPT A "BREZHNEV CONSTITUTION" FOR THE SIXTIETH ANNIVERSARY

AND TO ENHANCE BREZHNEV'S IMAGE, PUBLICATION OF THE DRAFT IN THE NEAR FUTURE WILL PROVIDE MOSCOW A HUMAN RIGHTS PROPAGANDA PEG ON THE EVE OF THE BELGRADE CONFERENCE. END SUMMARY.

1. AS REFLECTED IN THE PLENUM COMMUNIQUE AND THE MAY 26 LEADING ARTICLES OF PRAVDA AND IZVESTIYA, BREZHNEV SURVEYED THE TRANSFORMATIONS EXPERIENCE BY THE USSR DURING THE PAST 40 YEARS: INTERNALLY, THE SOVIET UNION HAS EVOLVED INTO A MAUTRE SOCIALIST SOCIETY WITH A DEVELOPED SOCIALIST ECONOMY. SOVIET SOCIETY HAS BECOME MORE HOMOGENOUS, ERASING OLD SOCIAL AND CLASS DISTINCTIONS. THE FORMER DICTATORSHIP OF THE PROLETARIAT HAS EVOLVED INTO A STATE OF THE ENTIRE PEOPLE. EXTERNALLY, THE POSITION OF THE USSR ALSO HAS UNDERGONE GREAT CHANGES. CAPITALIST ENCIRCLEMENT HAS CEASED; SOCIALISM HAS BECOME A WORLD SYSTEM, AND CAPITALISM HAS WEAKENED SIGNIFICANTLY. THERE IS A REAL POSSIBILITY OF AVERTING A NEW WORLD WAR, ALTHOUGH THIS WILL REQUIRE A GREAT EFFORT. IN DRAFTING A NEW CONSTITUTION, ACCOUNT WAS TAKEN OF LENINIST PRINCIPLES, THE HISTORICAL EXPERIENCE OF THE USSR, AS WELL AS THE EXPERIENCE OF FRATERNAL SOCIALIST STATES.

2. LOOKING TO THE FUTURE, THE NEW CONSTITUTION INCLUDES SPECIAL SECTIONS IN FOLLOWING AREAS:  
--CITIZENS' RIGHTS. CHANGES INCLUDE AN EXPANDED ROLE OF THE SOVIETS AND GREATER PUBLIC PARTICIPATION

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IN MANAGING THE AFFAIRS OF GOVERNMENT; THE DEVELOPMENT OF RIGHTS OF SOVIET CITIZENS, INCLUDING "THEIR SOCIAL-ECONOMIC RIGHTS, CIVIL RIGHTS AND FREEDOMS, ALONGSIDE THE RESPONSIBILITIES OF CITIZENS TO THEIR STATE AND PEOPLE;" AND THE FURTHER STRENGTHENING OF "SOCIALIST LEGALITY." PRAVDA OF MAY 26 ADDS THAT THE DRAFT CONTAINS LANGUAGE SPECIFYING THAT INDIVIDUAL RIGHTS AND FREEDOMS CANNOT AND SHOULD NOT BE UTILIZED AGAINST THE SOCIALIST ORDER AND TO THE DETRIMENT OF THE INTERESTS OF THE SOVIET PEOPLE. BREZHNEV IS ALSO QUOTED AS SAYING, "IT IS NECESSARY THAT EVERY SOVIET CITIZEN UNDERSTAND THAT THE MAIN GUARANTEE OF HIS RIGHTS IS IN THE FINAL ANALYSIS THE MIGHT AND PROSPERITY OF HIS COUNTRY." ACCORDINGLY, THE DUTIES AND OBLIGATIONS OF CITIZENSHIP ENUMERATED BY THE NEW CONSTITUTION ACQUIRE THE FORCE OF A "CONSTITUTIONAL REQUIREMENT."

-- SOCIAL DEVELOPMENT AND CULTURE. A SPECIAL SECTION OF THE CONSTITUTION DEALS WITH THE RESPONSI-

BILITIES AND CONCERNS OF THE STATE IN THIS AREA.  
-- NATIONALITIES. THERE IS A NEW FORMULATION OF THE RELATIONSHIP BETWEEN INTERESTS OF THE MULTI-NATIONAL SOVIET STATE AND THOSE OF INDIVIDUAL NATIONAL REPUBLICS. HOWEVER, ACCORDING TO PRAVDA, THE DRAFT "FULLY" PRESERVES THE MAIN FEATURES OF THE SOVIET FEDERAL STRUCTURE OF GOVERNMENT. IT ADDS THAT ADOPTION OF THE NEW CONSTITUTION WILL REQUIRE THE PREPARATION OF NEW CONSTITUTIONS BY THE UNION AND AUTONOMOUS REPUBLICS TO BRING THEM IN LINE WITH THE MAIN DOCUMENT.  
-- PRINCIPLES OF ECONOMIC MANAGEMENT.  
-- FOREIGN AND DEFENSE POLICIES EMPHASIZING USSR'S DEVOTION TO PEACE.

3. BREZHNEV PREDICTS THAT THE EFFECTS OF THE NEW CONSTITUTION WOULD BE TO RAISE THE QUALITY OF THE STATE ORGANIZATION AND THAT OF SOCIALISM TO A HIGHER

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LEVEL, TO SHOW THE WORLD HOW A SOCIALIST STATE DEVELOPS, AND TO INSPIRE OTHERS TO SIMILAR EFFORT. IN CONCLUSION, BREZHNEV DISCUSSES THE ROLE OF PARTY AND STATE ORGANS AND PUBLIC ORGANIZATIONS IN ORGANIZING PUBLIC DISCUSSIONS OF THE DRAFT CONSTITUTION, WHICH ARE SUPPOSED TO BE FREE, OPEN, AND BUSINESSLIKE.  
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4. BEGIN CONFIDENTIAL. 4. COMMENT: THUS FAR OUR SOURCES HAVE LITTLE TO ADD IN SUBSTANTIVE COMMENT ON THE DRAFT CONSTITUTION. HOWEVER, IN ADDITION TO THE COMMENTS BY SOVIET JOURNALISTS GIVEN IN REF A, WE HAVE ONE EXTRA DETAIL: YUGOSLAV DCM TOLD POL COUNSELOR THAT A RELIABLE SOVIET SOURCE SAID THE DRAFT WOULD INCLUDE A NEW FORM OF OWNERSHIP BY "SOCIAL ORGANIZATIONS."

5. IT REMAINS TO BE SEEN WHETHER BREZHNEV'S PLENUM SPEECH, WHICH UNDOUBTEDLY CONTAINS OTHER SIGNIFICANT DETAILS.

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CANT DETAILS, WILL BE PUBLISHED SHORTLY. IN ANY CASE, THE MAIN OUTLINE OF HIS APPROACH TO THE NEW CONSTITUTION APPEARS CLEAR. HIS PLENUM REPORT, AS WELL AS HIS EARLIER STATEMENTS ON THE CONSTITUTION AND CODE OF LAWS, SUGGEST THAT HE IS DETERMINED TO LEAVE BEHIND AS PART OF HIS LEGACY A NATION WHICH IS A "MATURE SOCIALIST SOCIETY" WITH AN "ADVANCED" CONSTITUTIONAL STRUCTURE BEARING HIS IMPRINT. THIS WILL INCLUDE A "BREZHNEV CONSTITUTION" AND PRESUMABLY A "BREZHNEV CODE OF LAWS." THERE ARE, BY THEIR VERY NATURE, VAST UNDERTAKINGS REQUIRING YEARS OF BUREAUCRATIC EFFORT. ACTIVELY DISCUSSED IN THE PRESS AND PUBLIC LECTURES, THE CODE OF LAWS PROJECT IS APPARENTLY STILL FAR FROM COMPLETION. BUT AFTER MANY YEARS OF REVISION AND DELAY, PART OF WHICH MAY HAVE ARISEN FROM SERIOUS OPPOSITION BY POLITICAL RIVALS, LEONID IL'ICH CLEARLY INTENDS TO PRESIDE OVER THE ADOPTION OF A "BREZHNEV CONSTITUTION," REPLACING THE "STALIN CONSTITUTION", IN CONNECTION WITH THE SIXTIETH ANNIVERSARY CELEBRATIONS OF THE OCTOBER REVOLUTION.

6. ALTHOUGH THE HUMAN RIGHTS ISSUE COULD HARDLY HAVE PLAYED A SIGNIFICANT ROLE IN THE TIMING OF THE NEW CONSTITUTION, IT IS PROBABLY THAT SOME OF THE "CIVIL RIGHTS" PROVISIONS WERE DRAFTED WITH AN EYE TO HUMAN RIGHTS AS AN INTERNATIONAL ISSUE. IT IS POSSIBLE THAT THESE PROVISIONS ALSO GAVE RISE TO SOME BEHIND-THE-SCENES CONTROVERSY. THOUGH ONE MIGHT THINK THAT IT MATTERS LITTLE HOW THESE "RIGHTS" ARE WORDED IN THE SOVIET CONSTITUTION, SINCE THEY ARE LARGELY IGNORED IN PRACTICE, IT WOULD BE CHARACTERISTIC FOR BOTH CONSERVATIVE OR IDEOLOGY-BENT ELEMENTS AND THOSE FAVORING SOME LIBERALIZATION TO DISPUTE THE WORDING OF SUCH PROVISIONS, HOWEVER THEORETICAL THEY MAY REMAIN IN REALITY. (THE AUSTRALIAN AMBASSADOR

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WAS TOLD, FOR EXAMPLE, BY A SENIOR SOVIET OFFICIAL A FEW WEEKS BACK, THAT PRESIDENT CARTER'S HUMAN RIGHTS POLICY WAS MAKING IT MORE DIFFICULT TO EXPAND THE CIVIL RIGHTS PROVISIONS OF THE DRAFT CONSTITUTION, SINCE SOME DISLIKED THE APPEARANCE OF BOWING TO FOREIGN PRESSURE.) HOWEVER THIS MAY BE, IT IS CLEAR THAT THE SOVIETS ARE PREPARED TO TRUMPET THE "CIVIL RIGHTS" PROVISIONS OF THE NEW CONSTITUTION AS A NEW AND HIGHER STANDARD TO WHICH ALL SHOULD ASPIRE, AND PROBABLY TO CITE THE CONSTITUTION AT BELGRADE AS "EVIDENCE" OF PROGRESS ON THE SOVIET PART IN IMPLEMENTING BASKET III PROVISIONS OF THE CSCE FINAL ACT.

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## Message Attributes

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